

NAYS—11.

Baldwin,	Simpson,
Browning,	Steele,
Imboden,	Swayne,
Lawhon,	Tips,
Lewis,	Yoakum.
McComb,	

EXCUSED—3.

Boren,	Smith.
Kearby,	

The Senate adjourned accordingly.

FIFTY-SECOND DAY.

SENATE CHAMBER.

AUSTIN, TEXAS, March 11, 1893.

Senate met pursuant to adjournment.

Lieutenant-Governor Crane in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

PRESENT—27.

Agnew,	Lawhon,
Atlee,	Lewis,
Baldwin,	McComb,
Bowser,	McKinney,
Browning,	Presler,
Cranford,	Shelburne,
Crowley,	Simpson,
Dean,	Steele,
Dickson,	Swayne,
Douglass,	Tips,
Goss,	Whitaker,
Hutchison,	Woods,
Imboden,	Yoakum.
Jester,	

EXCUSED—4.

Boren,	Kearby,
Greer,	Smith.

Prayer by the chaplain, Dr. Briggs, as follows:

Our Father, teach the strong to help the weak. May the wise give of their wisdom to the ignorant. Show the rich man how to be eyes to the blind, feet to the lame, and a father to the poor. Shelter all the homeless. Lift the heavy burden from shoulders too weak to carry them. Regard the prayer of the mother for her child, and the dumb entreaty of the wife for her husband. Receive the praise of the joyous. Listen to all the sighing of the sad. Brush away the tears which only Thy hand can touch. And to Thy name be praises and glory, O Thou God and Father of us all. Amen.

Pending the reading of the journal of yesterday,

On motion of Senator Lawhon, the reading of the same was suspended.

COMMITTEE REPORTS.

COMMITTEE ROOM,
AUSTIN, TEXAS, March 11, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Contingent Expenses beg leave to submit their weekly report from March 4 to March 11, 1893, showing the number of claims and amounts allowed for said week:

March 6—Senate, Dr., to Express Publishing Company to papers 28 days, as per vouchers of Senators	\$119 91
To T. S. P. Mathis, for making 16 copies of concurrent resolution endorsing C. B. Kilgore	2 50
March 7—To Ben C. Jones & Co., printing daily record, 36th to 40th days	54 72
To Ben C. Jones & Co., printing daily record from 40th to 46th day	54 72
To A. M. Kennedy, to cash paid for manuals for use of Senate	260 00
March 10—To Caller Publishing Company to 256 papers at 3 cents each, as per vouchers,	7 68
To Dr. J. J. Tobin, to stationary and printing as per account	164 75
To Waco Day-Globe Publishing Company, to papers as per vouchers of Senators	36 90

All of which is respectfully submitted.

STEELE, Chairman.

COMMITTEE ROOM,
AUSTIN, TEXAS, March 11, 1893.

Hon. M. M. Crane, President of the Senate:

Your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 262, entitled "An act to amend sections 14, 89 and 93 of an act entitled an act to grant a new charter to the city of El Paso, approved March 2, 1889,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

CROWLEY, Chairman.

BILLS AND RESOLUTIONS.

By Senator Baldwin:

A concurrent resolution requesting Texas Senators and Representatives

in Congress to offer and support a resolution to have the conduct of all Federal receivers and their subordinate officials in charge of railways in Texas investigated, and to define who are citizens under the Constitution of the United States, and to offer amendment to said Constitution.

By Senator Agnew:

A bill to be entitled "An act to amend article 372, title 17, chapter 4 of the Revised Civil Statutes of Texas."

Read first time and referred to Judiciary Committee No. 1.

The Chair declared the morning call concluded.

SPECIAL ORDER.

The Chair placed before the Senate, special order,

Joint resolution No. 4, to amend article 8 of the Constitution of the State of Texas by adding to said article an additional section, to be numbered section 19.

Action being on the amendment offered by Senator Imboden as follows:

"Amend by striking out the words 'the Constitution of the State of Texas,' wherever they occur.

Senator Yoakum moved to table the amendment offered by Senator Imboden.

Tabled by the following vote:

YEAS—20.

Agnew,	Jester,
Atlee,	Lawhon,
Baldwin,	Lewis,
Bowser,	McKinney,
Browning,	Presler,
Cranford,	Simpson,
Dean,	Swayne,
Dickson,	Tips,
Douglass,	Woods,
Goss,	Yoakum.

NAYS—5.

Crowley,	McComb,
Hutchison,	Whitaker.
Imboden,	

ABSENT—1.

Shelburne.

PAIRED—2.

Boren,	Steele.
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EXCUSED—2.

Greer,	Smith.
Kearby,	

Senator Steele voting "nay," stated that he had paired with Senator Boren voting "aye."

By Senator Presler:

Amend line 32, section 1, by the insertion after the word "Texas," of the

words "by exempting them from taxation."

On motion of Senator Baldwin the amendment was laid on the table subject to call.

By Senator Swayne:

Amend by striking out the word "State," in line 10, section 19

On motion of Senator Bowser, further consideration of this resolution was postponed till next Tuesday.

On motion of Senator Bowser, the vote postponing Senate joint resolution No. 4 until next Tuesday was reconsidered.

On motion of Senator Bowser, the consideration of the resolution was postponed and the same made special order for next Wednesday, March 15, and from day to day.

The Chair gave notice of signing and did sign:

House bill No. 279, entitled "An act to restore to and confer upon the county courts of LaSalle, Wharton and Hamilton counties the civil and criminal jurisdiction heretofore belonging to said courts under the Constitution and General Statutes of the State, to conform the jurisdiction of the district courts of said counties to such change, and to repeal all laws in conflict with the provisions of this act, in so far as relates to LaSalle, Wharton and Hamilton counties."

House bill No. 446, entitled "An act to amend section 23 of an act passed at the regular session of the Twenty-second Legislature, approved April 13, 1891, entitled an act to amend section 23 of an act entitled an act to redistrict the State into judicial districts and fix the time of holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after Monday in November, 1884."

Substitute House bill No. 161, entitled "An act to amend section 38, chapter 141 of an act passed at a regular session of the Twenty-first Legislature of the State of Texas, approved March 30, 1889, entitled an act to amend chapter 61, an act entitled an act to amend section 38 of an act entitled an act to redistrict the State into judicial districts, and fix the time for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883, approved March 25, 1887,

granting an extension of time for the holding of the district court of Comal county."

After the captions of same had been read.

The Chair placed before the Senate, Substitute Senate bills Nos. 36, 29, 82, 126, 128, being "An act to divide the State of Texas into six supreme judicial districts, to provide for and establish a court of civil appeals in each of said districts, to prescribe the time of holding said courts, and to repeal all laws in conflict with the provisions of this act."

Bill read third time.

By Senator Dean:

Amend by taking the counties of Tom Green, Coke, Sterling, Irion, Sutton, Crockett, Schliecher, Menard and Runnels out of the supreme judicial districts in which they now appear and place each and all of said counties in the Sixth supreme judicial district.

Adopted by the following vote:

YEAS—24.

Agnew,	Jester,
Baldwin,	Lewis,
Bowser,	McComb,
Browning,	McKinney,
Cranford,	Presler,
Crowley,	Shelburne,
Dean,	Simpson,
Dickson,	Steele,
Douglass,	Tips,
Goss,	Whitaker,
Hutchison,	Woods,
Imboden,	Yoakum.

NAYS—none.

ABSENT—3.

Atlee,	Swayne.
Lawhon,	

EXCUSED—4.

Boren,	Kearby,
Greer,	Smith.

By Senator Hutchison:

Amend by transferring Comal county from the Fourth supreme judicial district to the Third supreme judicial district.

Adopted by the following vote:

YEAS—25.

Agnew,	Lewis,
Atlee,	McComb,
Baldwin,	McKinney.
Bowser,	Presler,
Browning,	Shelburne,
Cranford,	Simpson,
Crowley,	Steele,
Dean,	Swayne,
Dickson,	Tips,
Douglass,	Whitaker,

Goss,
Hutchison
Jester,

Woods,
Yoakum.

NAYS—none.

ABSENT—2.

Imboden,	Lawhon
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EXCUSED—4.

Boren,	Kearby,
Greer,	Smith.

By Senator Atlee:

Amend by transferring Aransas, San Patricio, Nueces, Cameron, Hidalgo and Starr from the Fourth supreme judicial district to the First supreme judicial district.

Adopted by the following vote:

YEAS—24.

Agnew,	Lewis,
Atlee,	McComb,
Browning,	McKinney,
Cranford,	Presler,
Crowley,	Shelburne,
Dean,	Simpson,
Dickson,	Steele,
Douglass,	Swayne,
Goss,	Tips,
Hutchison,	Whitaker,
Imboden,	Woods,
Lawhon,	Yoakum.

NAYS—none.

ABSENT—3.

Baldwin,	Jester.
Bowser,	

EXCUSED—4.

Boren,	Kearby,
Greer,	Smith.

The bill was then passed by the following vote:

YEAS—12.

Agnew,	Imboden,
Atlee,	Lewis,
Baldwin,	Presler,
Bowser,	Shelburne,
Cranford,	Simpson,
Hutchison,	Yoakum.

NAYS—11.

Browning,	McKinney,
Crowley,	Steele,
Dickson,	Swayne,
Douglass,	Tips,
Goss,	Whitaker.
McComb,	

ABSENT—1.

Jester.

EXCUSED—1.

Greer.

PAIRED—6.

Aye: Lawhon, Dean, Woods; nay: Kearby, Smith, Boren.

By Senator Imboden:

I am opposed to three new courts and so voted at the time the sense of the Senate was taken by resolution as to the number of courts, but the sense of the Senate having been fairly tested I yield my judgment and vote for the bill. I urged consideration of the resolution and voted in favor of the one favoring not more than two additional courts, but was defeated and accepted that defeat as an act of good faith on the part of the Senate when it was full.

On motion of Senator Tips, regular business was suspended and

Senate bill No. 231, entitled "An act to validate sales of real estate within this State made by foreign executors of wills probated in any of the States of the United States," taken up.

Bill read second time and committee amendment adopted.

Bill ordered engrossed.

On motion of Senator Tips, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage by the following vote:

YEAS—24.

Agnew,	Jester,
Atlee,	Lawhon,
Baldwin,	Lewis,
Bowser,	McComb,
Browning,	McKinney,
Cranford,	Presler,
Crowley,	Shelburne,
Dean,	Simpson,
Douglass,	Steele,
Goss,	Tips,
Hutchison,	Whitaker,
Imboden,	Woods.

NAYS—1.

Yoakum.

ABSENT—2.

Dickson, Swayne.

EXCUSED—4.

Boren, Kearby,
Greer, Smith.

On motion of Senator Douglass, Senator Dickson was excused till next Tuesday on account of important business.

Bill read third time and passed by the following vote:

YEAS—20.

Agnew,	Jester,
Atlee,	Lawhon,
Baldwin,	McComb,
Browning,	Presler,
Crowley,	Shelburne,

Dean,	Simpson,
Douglass,	Steele,
Goss,	Tips,
Hutchison,	Whitaker,
Imboden,	Woods.

NAYS—1.

Yookum.

ABSENT—5.

Bowser,	McKinney,
Cranford,	Swayne.
Lewis,	

EXCUSED—5.

Boren,	Kearby,
Dickson,	Smith.
Greer,	

On motion of Senator Dean, Senate bill No. 262, entitled "An act to amend sections 14, 89 and 93 of an act to grant a new charter to the city of El Paso, approved March 2, 1889," taken up.

Bill read second time and ordered engrossed.

On motion of Senator Dean, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage by the following vote:

YEAS—26.

Agnew,	Jester,
Atlee,	Lawhon,
Baldwin,	Lewis,
Bowser,	McComb,
Browning,	McKinney,
Cranford,	Presler,
Crowley,	Shelburne,
Dean,	Simpson,
Douglass,	Whitaker,
Goss,	Woods,
Hutchison,	Yoakum.
Imboden,	

NAYS—none.

ABSENT—2.

Steele,	Tips.
Swayne,	

EXCUSED—5.

Boren,	Kearby,
Dickson,	Smith.
Greer,	

Bill read third time and passed by the following vote:

YEAS—24.

Agnew,	Jester,
Atlee,	Lawhon,
Baldwin,	Lewis,
Bowser,	McComb,
Browning,	McKinney,
Cranford,	Presler,

Crowley,	Shelburne,
Dean,	Simpson,
Douglass,	Tips,
Goss,	Whitaker,
Hutchison,	Woods,
Imboden,	Yoakum.

NAYS—NONE.

ABSENT—2.

Steele,	Swayne.
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EXCUSED—5.

Boren,	Kearby,
Dickson,	Smith.
Greer,	

On motion of Senator Atlee, Senate bill No. 233, entitled "An act to protect laborers employed in manufacturing establishments and in mines in the State of Texas, and to secure them in the payment of the wages of labor, and to provide a penalty for violation of the provisions of this act," was taken up.

Bill read second time and committee amendments adopted.

On motion of Senator Simpson, further consideration was postponed and the bill made special order for Thursday, March 16.

On motion of Senator Browning, regular business was suspended and

Substitute Senate bills Nos. 122 and 220, entitled "An act to amend sections 27 and 28 of chapter 15, entitled an act to organize the courts of civil appeals, to define their jurisdiction and powers, and to prescribe the mode of procedure therein, passed at the first called session of the Twenty-second Legislature, approved April 13, 1892," taken up.

Bill read and committee substitute adopted.

By Senator Browning:

Amend by adding:

Section 2. The fact there is now no law authorizing the appointment of special judges of the courts of civil appeals when the judges sitting shall be equally divided in opinion on the trial of a cause, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Adopted.

Bill ordered engrossed.

On motion of Senator Browning, the constitutional rule requiring bills to be read on three several days, was suspended and the bill put upon its third reading and final passage by the following vote:

YEAS—22.

Agnew,	Jester,
Atlee,	Lawhon,
Baldwin,	Lewis,
Bowser,	McComb,
Browning,	McKinney,
Cranford,	Simpson.
Crowley,	Steele,
Douglass,	Tips,
Goss,	Whitaker.
Hutchison,	Woods,
Imboden,	Yoakum.

NAYS—none.

ABSENT—4.

Dean,	Shelburne,
Presler.	Swayne.

EXCUSED—5.

Boren,	Kearby,
Dickson,	Smith.
Greer,	

Bill read third time and passed by the following vote:

YEAS—23.

Agnew,	Lawhon,
Atlee,	Lewis,
Baldwin,	McComb,
Bowser,	McKinney,
Browning,	Presler,
Cranford,	Simpson,
Crowley,	Steele,
Douglas,	Tips,
Goss,	Whitaker,
Hutchison,	Woods,
Imboden,	Yoakum.
Jester,	

NAYS—none.

ABSENT.—3.

Dean,	Swayne.
Shelburne,	

EXCUSED—5.

Boren,	Kearby,
Dickson,	Smith.
Greer,	

By consent the following resolutions were introduced:

By Senator Cranford:

Resolved, That immediately after the morning call on each day of session of the Senate the roll of the Senate shall be called and each Senator as his name is called shall be permitted to call for consideration any bill pending in the Senate, and no one Senator shall call up more than one bill until the names of all the Senators have been called.

Read and referred to Committee on Rules.

By Senator Imboden:

A resolution to amend rule 62 of the rules of the Senate so as to make it read as follows:

62. On the call of three members for the yeas and nays on any question, they shall be taken, and each member, upon his name being called, unless excused by the Senate, shall, without debate, answer "yea" or "nay." Provided, if any member refuse to vote when his name is called he shall be recorded "nay," as if he voted against the measure under consideration.

Read and referred to Committee on Rules.

On motion of Senator Cranford, regular business was suspended, and

Substitute Senate bill No. 133, entitled "An act to amend Article 1333, title 29, chapter 13 of the Revised Civil Statutes of the State of Texas," taken up.

Bill read second time with committee substitute.

Committee substitute adopted.

By Senator Atlee:

Amend section 1 as follows: Strike out in lines 13 and 14 the following: "Without the aid or intervention of the counsel of either party."

Lost.

By Senator Lewis, amend by adding:

Section 2. The near approach of the close of the present session of the Legislature and the large number of bills pending on the calendar, and the improbability of bills being now reached and read on three several days, create an emergency that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted.

Adopted.

Bill ordered engrossed.

On motion of Senator Lewis, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage by the following vote:

YEAS—22.

Agnew,	Jester,
Atlee,	Lewis,
Baldwin,	McComb,
Bowser,	McKinney,
Browning,	Presler,
Cranford,	Simpson,
Crowley,	Steele,
Douglass,	Tips,
Goss,	Whitaker,
Hutchison,	Woods,
Imboden,	Yoakum.

NAYS—none.

ABSENT—4.

Dean,	Shelburne,
Lawhon,	Swayne.

24—Senate

EXCUSED—5.

Boren,	Kearby,
Dickson,	Smith.
Greer,	

Bill read third time and passed by the following vote:

YEAS—24.

Agnew,	Jester,
Atlee,	Lewis,
Baldwin,	McComb,
Bowser,	McKinney,
Browning,	Presler,
Cranford,	Simpson,
Crowley,	Steele,
Dean,	Swayne,
Douglass,	Tips,
Goss,	Whitaker,
Hutchison,	Woods,
Imboden,	Yoakum.

NAYS—none.

ABSENT—2.

Lawhon,	Shelburne.
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EXCUSED—5.

Boren,	Kearby,
Dickson,	Smith.
Greer,	

On motion of Senator Jester, Senate adjourned till 10 o'clock Monday morning.

FIFTY-THIRD DAY.

SENATE CHAMBER.

AUSTIN, TEXAS, March 13, 1893.

Senate met pursuant to adjournment.

Lieutenant-Governor Crane in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

PRESENT—27.

Agnew,	Lawhon,
Atlee,	Lewis,
Baldwin,	McComb,
Bowser,	McKinney,
Browning,	Presler,
Cranford,	Simpson,
Crowley,	Smith,
Dean,	Steele,
Douglass,	Swayne,
Goss,	Tips,
Hutchison,	Whitaker,
Imboden,	Woods,
Jester,	Yoakum.
Kearby,	

ABSENT—2.

Greer,	Shelburne.
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EXCUSED—4.

Boren,	Dickson.
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The Chair announced that our chap-